

said membrane being removably mounted upon a supporting device, said supporting device consisting of a frame portion sized to mate with said membrane and a handle portion extending laterally from said frame portion, said handle portion being sized to be grasped in the hand of the user at a point spaced apart from the lips of the user when the membrane is interposed between the kissing parties, positioning the membrane proximately to the lips or cheek [check] of the intended recipient of the affection, and kissing said intended recipient.

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendment and ensuing remarks is respectfully requested.

Claims 1-22, all claims in the application, have been rejected either on the basis of Totaro standing alone or on Totaro in combination with one or more other references.

Applicant thanks the Examiner for the interview granted applicant's attorney on March 31, 1994. During the interview the teachings of Totaro were discussed.

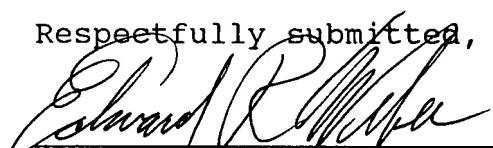
Applicant does not agree that Totaro offers any teaching of a "thin, flexible, impervious membrane mounted upon a supporting device". However, in the interest of expediting prosecution applicant has agreed to amend Claim 1, 14 and 20, the independent

claims in the application, to include the teachings of Claim 2 which describe a bag or envelope composed of two sheets of material joined together and having an open edge sized to accommodate the frame portion of the supporting device. Clearly the aspirator of Totaro would not function if it were located inside a bag or envelope.

Applicant submits that Claims 1 & 3 thru 22, as amended, clearly distinguish over Totaro alone or in any combination with any other reference and are patentably distinct from all other referenced of record.

In conclusion, applicant submits that applicant has demonstrated the uniqueness of applicant's invention over all references of record. Applicant therefore submits that Claims 1 and 3 through 22, all the claims remaining in the application, are in full compliance with 35 U.S.C. §112 and are patentably distinct over all references of record. The Examiner is urged to issue a Notice of Allowance at an early date.

Respectfully submitted,



Edward R. Weber
Attorney for Applicant
Registration No. 25,940

HERZOG, CREBS & McGHEE
One City Centre - 24th Floor
515 North Sixth Street
St. Louis, Missouri 63101
Telephone: (314) 231-6700 Facsimile: (314) 231-4656

AUTHORIZATION TO DEBIT DEPOSIT ACCOUNT

If for any reason additional fees are due, please charge
Deposit Account No. 030942.


Bruce J. Bowman
Attorney for Applicant
Registration No. 35,458